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LETTER DATED 2 FEBRUARY 1995 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report, which was addressed to me on 2 February 1995 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro). This report by the Co-Chairmen contains the certification referred to in paragraph 5 of Security Council resolution 970 (1995) of 12 January 1995.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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Annex

Operations of the International Conference on the Former Yugoslavia Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro)

Report of the Co-Chairmen of the Steering Committee

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 5 of Security Council resolution 970 (1995) adopted on 12 January 1995. In that resolution, the Council requested that the Secretary-General submit every 30 days for its review a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the border closure measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

2. It will be recalled that on 4 August 1994 the following measures were ordered by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to come into effect the same day:

(a) "To break off political and economic relations with the 'Republika Srpska';

(b) "To prohibit the stay of the members of the leadership of the 'Republika Srpska' (Parliament, Presidency and Government) in the territory of the Federal Republic of Yugoslavia;

(c) "As of today the border of the Federal Republic of Yugoslavia is closed for all transport towards the 'Republika Srpska', except food, clothing and medicine."

3. On 19 September, 3 October, 2 November and 5 December 1994, and 5 January 1995, the Secretary-General transmitted to the Security Council reports from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the state of implementation of the above-mentioned measures (S/1994/1074; S/1994/1124; S/1994/1246; S/1994/1372; S/1995/6). The report dated 5 January 1995 contained the following certification from the Co-Chairmen:

> "In the light of the foregoing developments during the past 30 days, based on the Mission's on-site observation on the advice of the Mission Coordinator, Mr. Bo Pellnäs, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of the North Atlantic Treaty Organization (NATO) or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces".

Developments in the past 30 days are dealt with below.

II. LEGISLATION/REGULATIONS ON THE BORDER CLOSURE

4. The legislation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) closing the border with the Bosnian Serbs continues in force.

5. Sector Belgrade of the Mission has spent a great deal of time trying to perfect ways of preventing trade, disguised as aid, from crossing the border with Bosnia and Herzegovina. One way of doing this is the imposition of weight limits on products that were thought most likely to be traded, i.e., fruit from Bulgaria and Turkey, cooking oil and sweets. These impositions have been done with the full approval and support of the Yugoslav Red Cross and the federal customs authorities. Further product lines are likely to have weight limits imposed in the coming weeks, all in an effort to reduce the profit element in the "donations". Also in an endeavour to prevent the possibility of smuggling, the Sector has requested that the Customs apply more vigorous searching and confiscation procedures at the checking areas. For the most part this has been implemented.

III. ORGANIZATION, FINANCING AND WORK OF THE MISSION

6. As of 1 February 1995, 188 international personnel were on duty with the Mission. The Mission personnel to date have come from the following countries: Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Portugal, Russian Federation, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and the United States of America.

7. On 13 January 1995, Mr. Tauno Nieminen of Finland assumed the position of Coordinator. For operational and administrative reasons, effective 11 January 1995, a new Sector named Sector Bajina Basta was established by dividing Sector Bravo into two operational areas. This new Sector is responsible for the area from the boundary with Sector Alpha in the north to 1 kilometre north of the village of Raca, including 24-hour coverage of the Skelani and Kotroman border crossing-points and the railway stations in Uzice and Priboj. Sector Bravo retains operational responsibility for the remainder of the Sector Bravo area of operations.

8. In many areas of Sectors Bravo and Charlie, roads are covered by snow, causing difficult and hazardous driving conditions. With temperatures in some areas as low as 20 degrees Celsius below zero and sporadic power cuts, sometimes lasting up to 13 hours, living conditions inside the caravans at some of the border crossing-points have become extremely difficult. One team was forced to spend 72 hours at the Sastavci border crossing-point because of snow blocking the access road.

IV. FREEDOM OF MOVEMENT OF THE MISSION

9. The Mission continues to enjoy full freedom of movement within the Federal Republic of Yugoslavia (Serbia and Montenegro). As opportunities have diminished for smugglers and those profiting from trading in humanitarian goods with the improved checking for contraband at the borders, there is an attendant security problem to be dealt with. An increase in the verbal abuse and threats has been reported by teams in Sector Belgrade and brought to the attention of the authorities. The customs authorities are aware of the problem and of the possibility of the threats being translated into action. They are seeking approval for some of their officers to carry arms. The Mission teams are often working in an emotionally charged atmosphere and have on occasions to deal with people who have been drinking.

V. COOPERATION OF THE AUTHORITIES OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) WITH THE MISSION

10. In the assessment of the Mission Coordinator, the cooperation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be satisfactory. Customs work, although sometimes uneven, continue to improve at most of the border crossing-points.

VI. INFORMATION RECEIVED FROM NATIONAL AND OTHER SOURCES

11. The operating principle of the Mission is to base itself on its own observations and on information that it has verified. The Mission Coordinator has maintained a standing request to Governments possessing the technical capacity to provide it with information relevant to its mandate. The Coordinator has not received any such information since the last report.

VII. PROBLEMS ENCOUNTERED AND REPRESENTATIONS MADE TO THE AUTHORITIES

12. The Mission now covers 19 major crossings 24 hours a day. Mission patrols have noticed that the Yugoslav Army has continued active patrolling and all the routes to the Drina River have been covered. In Sector Charlie, especially, snow drifts along the main roads have made driving conditions treacherous and most minor roads remain impassable.

13. The Mission has received an update on the smuggling attempt at the end of December in the Nudo Valley, where 16 tankers and 7 trucks were seized by the military. The incident is treated as a customs offence. All fuel has been transferred to Jugopetrol in Kotor. The confiscated cigarettes are held at the customs warehouse in Niksic. It is believed that the organizers are from the Trebinje and Bileca area in the "Republika Srpska" and hence they could be difficult to find and prosecute. Drivers will be prosecuted for attempting to cross the border at a crossing-point not authorized for lorries.

14. At Mali Zvornik, there have been numerous incidents in which persons have attempted to cross into Bosnia on foot carrying fuel. This appears to have been an organized attempt to violate the embargo and has been prevented by the militia.

15. At Mali Zvornik, the Mission team also noticed on 13 January that no further than 200 metres from the border control point preparations were going on for a large-scale smuggling operation. Some vehicles were refilling hidden tanks, with approximately 80 to 100 litres of fuel per vehicle. When the local federal police were called, they, together with the authorities at the border control point, confiscated 500 litres of fuel and 1,250 litres of alcohol.

16. At the border crossing-point at Badovinci, in particular, numerous cars and buses have been denied entry into the "Republika Srpska", mainly for carrying large quantities of beer or extra fuel. Customs at Scepan Polje, together with the special customs team, checked a Volkswagen pick-up vehicle. They found 4,600 packages of Partner filter cigarettes. The owners of the goods were charged and the cigarettes were taken away.

17. On 18 January, the Mission Coordinator, together with his Senior Political Adviser, met the Head of Customs, Mr. Kertes. The Mission Coordinator drew his attention to the requirements under Security Council resolution 970 (1995), particularly emphasizing the content of paragraphs 3 and 5. Since 19 January, the import of goods from the "Republica Srpska Krajine" through the "Republika Srpska" has been totally stopped. Until then, trucks mainly loaded with timber and coal were crossing the border from Bosnia to Serbia.

18. The Mission Coordinator requested Mr. Kertes to take action in order to close down the ferry in Jamena. For some weeks, this ferry had been used by only a very few vehicles and persons crossing the river each day. Mr. Kertes agreed that the ferry should be closed down by dismantling the engine. For the last few days the ferry has not operated, but the motor-boat that has been used to push the ferry is still operational.

19. A Mission mobile patrol noticed on 17 January that on the Nudo Valley road a new barricade had been erected by the authorities near Grahovo, 6 kilometres further back from the old barricade. On 19 January, the Mission patrol discovered that the new barricade had been partially removed, letting traffic through on one lane. At the site of the previous rock and gravel barricade, near the border, moveable metal barriers had been erected, guarded by two police and six military personnel. Local cars and buses have been allowed to pass through this border crossing-point.

20. On 20 January, the Mission's acting Special Envoy in Montenegro met with Mr. Zoran Celebic, Chief of Cabinet. Mr. Celebic informed him that the villagers in the Nudo Valley had made several complaints to the Montenegrin Government about the blockade at the border with Bosnia. The Government of Montenegro had therefore decided to remove the barricade and to replace it with concertina wire and metal traffic obstacles. The police, along with the military, were manning the point on a 24-hour basis. Mr. Celebic also stated that only in emergency cases would people be allowed to pass through this point.

21. The Mission Coordinator met with General Kovacevic, Deputy Chief of the General Staff, on 21 January. In their meeting, the Mission Coordinator stated that the Montenegrin decision to dismantle the stone barrier in the Nudo Valley was a very disturbing development, violating the explicit commitment made by General Babic to Mr. Pellnäs. He furthermore referred to Security Council resolution 970 (1995), which specifically mentions the closing of crossing-points, insisting that there must be a permanent, effective barricade put up and that this must be done promptly. General Kovacevic promised to investigate the matter.

22. On 25 January, the Mission Coordinator met with Second Army Commander Babic to discuss the Nudo Valley situation. He expressed great concern that the permanent barrier had been replaced with a moveable barrier without any consultation with the Mission, despite the specific commitments that had been made to Mr. Pellnäs. General Babic acknowledged that he had made a commitment to block permanently the Nudo Valley road. However, he noted that the people in the Nudo Valley had traditionally looked to Trebinje in Bosnia for their schooling, medical and other services, and that the closure of the border had thus been especially disruptive. He submitted that a well-guarded checkpoint with a Mission presence would maintain the effective closure of the border. It would also make it more sustainable because the people would feel their needs had been taken into account. In this regard, Mission personnel reported that local attitudes towards the Mission had noticeably improved since the permanent barrier had been removed.

23. In the assessment of the Mission Coordinator, the practical difficulties caused by the border closure were real. Apart from adding an extra hour of travel time, the alternative route via Vilusi was often unusable because of ice and snow. In the circumstances, the Mission Coordinator is working out an arrangement whereby the Nudo crossing would have a moveable barrier with a 24-hour Mission, police and customs presence, as well as with a permanent military unit on guard. The permanent barrier would be reinstated should there be any attempt to abuse the checkpoint.

24. The Mission has been emphasizing the checking of buses, because they, at this point, seem to have the largest potential for violations. In this regard, improvements are already beginning to be seen in the degree and thoroughness of inspections. In Badovinci the quality of checking has normally been high. However, on 18 January, a 5-seater bus carrying 11 passengers fully loaded with wine, spirits, soap powder, cooking oil, etc. was allowed to proceed to Bosnia at the Badovinci crossing-point. The customs official on duty claimed that duty had been paid at the Hungarian/Yugoslav border and that he would let it go through in spite of the protests by the Mission team. Later, the regional customs officer was disciplined and the Mission received assurances that similar incidents would not take place again.

25. The Mission teams are still reporting that the quality of customs work at some border crossing-points is uneven. At Sremska Raca, customs presence has been increased to allow for more thorough checks of buses. The overall customs checks of vehicles appear to have been tightened up.

VIII. CERTIFICATION

26. In the light of the foregoing developments during the past 30 days, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of NATO or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces.